

## **Note to reader:**

*The USDA recently announced the "end" of the NAIS, spurring many in the anti-NAIS grassroots movement to, prematurely, celebrate its demise. In fact, NAIS has essentially just been re-named and re-formatted. Please read Doreen Hannes' incisive analysis then judge for yourself.*

*Yours for food freedom,  
Deborah Stockton, Executive Director, NICFA*

## **Easter Bunny Reports "NAIS is Dead!!!!"**

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As I reported after returning from the NIAA (National Institute for Animal Agriculture) meeting last August, rumors of the death of NAIS have been greatly exaggerated. (Read <http://nonais.org/2009/09/05/ding-dong-nais-is-not-dead/>) The USDA has finally admitted that they have too much negative publicity surrounding the name NAIS, and that they actually have to do what they tried to do in the first place: get the states to do their bidding on 'animal identification' and 'traceability' according to World Trade Organization standards. So yippee. They are only going to exercise their rule-making authority to control interstate commerce. Well, that's all they had the authority to do at the outset. So we should be giddy with excitement that they are openly proclaiming they will do just that now.

Should we be happier than a pig in a puddle because they openly stated that they will leave animals which never exit the state out of the new plan? They never had the authority to deal with those animals anyway...unless, of course, you take money from the USDA. Otherwise, that authority rests with your state. The USDA will continue to fund the states and work in a 'collaborative' way with states and industry (continuing the Public Private Partnership otherwise known as fascism) to develop the "minimum standards" that must be followed in order to participate in interstate commerce.

So, as many conversations with my compatriots in the fight against NAIS have alluded to, at last the USDA is pulling the commerce clause out and holding it up as their hammer for "minimum standards" that will be required by forthcoming regulations for 'disease traceability'. And why has the USDA taken to calling it 'disease traceability' instead of 'animal identification'? Because they only HAVE authority over the diseases! The FDA has authority over live animals on the farm (<http://www.fda.gov/NewsEvents/Testimony/ucm114752.htm>), even though the majority of people don't know this, and it is a very useful poker chip in the globalization game. It is called misdirection, and those of us who have been deeply involved in the fight against the NAIS are very aware of this agency's use of misinformation, disinformation, subterfuge and general sneakiness in foisting upon us their WTO driven desire that will create captive supply for export of the entire domestic livestock population.

The only official document available on the "NAIS not NAIS" program is a seven page Q and A available at the new page for "NAIS not NAIS" called Animal Disease Traceability. ([http://www.aphis.usda.gov/publications/animal\\_health/content/printable\\_version/faq\\_traceability.pdf](http://www.aphis.usda.gov/publications/animal_health/content/printable_version/faq_traceability.pdf)). It's only 7 pages, so if you have read the previous 1200 pages of USDA documents on this program, it's a walk in the park.

One of the first questions that one asks when told "NAIS is Dead!", (aside from "what's its new name?") is "What about all the people who are in the Premises Database with PIN's already?" According to the 7-page document, they stay in that database.

How about animals that are already identified with the "840" tags for NAIS? They also stay in the database. What about the "840" tags themselves? Well, the USDA and States will keep using them.

Are they going to halt further registrations into the NAIS database? Heck no! They'll keep registering properties and will also be using a 'unique location identifier' for this kinder, gentler NAIS that the States will run for us.

Why are they re-using the first two prongs of NAIS? Aside from the unstated fact that they are using them because they have to use them to be compliant with OIE (World Animal Health Organization) guidelines, they say it's because of the tremendous amount of money spent developing NAIS already even though it is un-Constitutional.

How much money? It's government math, so it's likely done by consensus as opposed to literal whole numbers that add up- you know, like  $2+2=4$ . Consensus would make it possible for  $2+2$  to equal 5. Anyway, figures cited by various officials are anywhere from \$120 million to \$180 million. Less than 60¢ per person, so almost nothing when compared to the monstrous 107 trillion dollars in unfunded liabilities we are currently carrying. Believe me, when I say I am not for government waste at all, but when an agency has spent this much time and money on an unfruitful program, isn't it better to simply fully knock it in the head instead of changing the name and playing "Hide and Go Seek" with the people who have adamantly opposed this program? Why couldn't the USDA do the only truly Constitutional thing with this international-trade driven program and let those who want to deal in international markets do this to themselves through the Export Verification Services department of the USDA? Well, if they did that, not only would they have to actually be fully open and transparent, they would need to let the public in on the big secret that the United States is no longer in charge of its own policies, rather they are obligated to follow the Sanitary PhytoSanitary (SPS) directives of the World Trade Organization agencies, namely Codex Alimentarius, the OIE and the IPPC (International Plant Protection Convention).

And we still have the very real issue of the massive database for premises registration (or the unique location allocator) having no public or verifiable oversight to check whether or not people who have been told they were removed were in fact removed from that database. So if NAIS is dead, why not allow the database to be annihilated? Obviously, they are still following the plan.

What about the states that have passed legislation designed to constrain NAIS from becoming mandatory within their boundaries? How will this new disease traceability program affect them? Well, since this is NOT NAIS and the regulations aren't yet written, the states will have to wait to find out what requirements they MUST MEET in order to participate in interstate commerce. There's your hammer.

So how powerful is the interstate commerce clause? Pretty dang powerful. And if people who dealt in the local food movement fully understood Wickard vs. Filburn, ([http://conservapedia.com/Wickard\\_v\\_Filburn](http://conservapedia.com/Wickard_v_Filburn)) they would feel no consolation whatsoever from the USDA's statement that they are not interested in regulating livestock that stay within the state.

In a nutshell, this 1942 Supreme Court case found that since Filburn had accepted money as part of the Agricultural Adjustments Act and then grew wheat to feed his own livestock, that he was not only

subject to the regulation of the USDA by accepting that money, but also, since he grew wheat, he hadn't purchased it, and had he not grown it, he would have had to purchase wheat which would have likely come through interstate commerce. Therefore, his planting of wheat affected interstate commerce and solidified the USDA's jurisdiction over his actions.

If you transplant "tomato" for wheat you can see how sinister this ruling truly is. If you grow tomatoes, you won't be buying them, so if you don't buy them, and since the store bought tomatoes likely cross state lines in their movement, you are affecting interstate commerce by growing tomatoes.... This is precedent, and it is a very, very dangerous precedent. So taking money or help from the USDA to establish your local farmer's market is going to put you into a relationship that is highly precarious for freedom.

The interstate commerce clause was not designed to hammer states into submission to federal or international agency trade objectives, it was to stop states from unfairly discriminating against each other and to enable us to be a strong union of sovereign states that could actually feed itself and prosper. The only thing to do is to keep fighting with full knowledge and to get the States to exercise their duty to protect the Citizens from an overarching Federal government. We need states to completely free up direct trade between farmers and consumers and we need states to work together to create their own criteria for exchange of goods across state lines.

Do we have to 'stay engaged' in conversations with the USDA on this "New Not NAIS"? Yes, to keep telling them to go sell crazy somewhere else, we're all stocked up here, thank you. They should tend the borders, control and actually inspect the imports, run the disease programs that worked and were not massive consolidations of power in federal hands, and for cryin' out loud INSPECT the packing plants and stop trying to make consumers believe that farmers and ranchers are responsible for sloppy slaughtering!

Also, go ahead and leave a bunch of the milk chocolate rabbits for us. Chocolate is one thing we probably should import, but certainly not at the cost of our freedom and sovereignty.